

ADDRESS

*Mrs. F. Knox*

*November 13<sup>th</sup> '08.*

SENATOR PHILANDER CHASE KNOX

AT

PITTSBURGH, PA.,

FRIDAY, OCTOBER 30<sup>TH</sup>, 1908.



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OF

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*My Fellow Citizens:*

ONCE more the American people are called upon to review their affairs and condition and determine who shall be their chief servants, and the policies under which their Government is to be administered during the next four years.

The political parties have presented platforms of principles, and candidates who are pledged, if elected, to administer the affairs of the Government in conformity thereto, and the people are now engaged in the important business of considering which party they shall choose.

It is indeed an important business and when decided will either advance or retard our progress, for it is impossible that so

momentous a thing as the continuance or reversal of the fiscal, economic, foreign and domestic policies of this Government should have a neutral effect.

The parties stand in very different attitudes towards the contest.

The Republican Party having administered the affairs of the Government almost continuously for nearly a half century, must be judged by its performances of the past and its promises for the future. Its prospects of success depend upon the people's satisfaction with that past and belief in the party's intention and ability to continue to administer public affairs wisely and honestly.

It is not my purpose to discuss the past of the Republican Party. Its fifty years of glorious achievement marks it unequaled in history as a party of high ideals and great accomplishments. Its principles

have been sound and its performances have abundantly justified the confidence the people have given it. During the greater period of its existence it has been the party of the majority of the American people, and the progress we have made as a people has been under its guidance of national affairs.

Against the proposition of the Republican Party, with its record of patriotism and progress, that William H. Taft be accepted by the country for what he is, what he has done and what he stands for, there is opposed the Democratic Party, with its usual platform of uncertainty and abuse, its record of opposition to everything that has materially advanced the national welfare during the last fifty years, and a candidate of singular conceptions, who petulantly declaims against everything that has been done for the country through

Republican initiative and Republican performance, and proposes a series of non-descript vagaries wholly impractical and destructive.

The achievements of the Republican Party during the past few years in constructive constitutional legislation and in the application of existing laws to conditions affecting materially and beneficially the farmer, the laborer, the manufacturer, the shipper and the public at large is unsurpassed during [any equal period of our country's history.

For labor, the eight hour law has been enacted, which applies to all laborers and mechanics employed by the Government of the United States or the District of Columbia, or by any contractor or sub-contractor upon any of our public works; an employers' liability act has been passed making railroads engaged in interstate com-



merce liable for personal injuries to their employees.

Congress has also re-enacted the Chinese exclusion laws in the interest of the protection of American labor.

During the present administration decisions have been obtained from the Supreme Court of the United States placing a broad and liberal construction upon the safety appliance law, so that in the future it will be difficult, if not impossible for railroad companies to evade its beneficent provisions; the practice which during recent years has grown up in many of the Southern States of holding both white and colored people to involuntary servitude on the pretext of working out a debt, which practice is commonly known as peonage, has been rendered obnoxious by reason of scores of prosecutions which have been instituted before the Federal courts.

A decision has also been obtained from the Supreme Court of the United States sustaining the constitutionality of the law directed against peonage.

Already the Safety Appliance Act has resulted in the saving of thousands of lives in spite of the remarkable development of the railroad business in this country. For instance, in 1905 one passenger was killed for every 1,375,856 carried, while in 1906, 2,227,041, almost twice as many, passengers were carried for every one killed.

I am informed by the Secretary of the Interstate Commerce Commission that if the accidents due to coupling and uncoupling cars had increased in the same ratio as the number of men employed have increased since 1893, in the year 1907 there would have been 548 men killed and 15,485 injured instead of 272 killed and 4,062 injured; or a total killed and injured of

16,033 men as against 4,334 actually killed and injured in 1907 in this hazardous occupation. This is the best evidence of the good effect of this law.

Another law along these lines was enacted limiting the hours of labor for railroad employees in train service upon railroads engaged in Interstate Commerce.

Congress also passed a liability law which applies to the Government itself, where the Government is an employer of labor, and a child labor law applying to the District of Columbia and the Territories, which is as far as the jurisdiction of Congress extends in this matter.

Another Act of far reaching importance which was passed at the last session of Congress provides for a complete investigation of the causes of disasters in the mines of this country, especially the coal mines.

Already there is in the City of Pittsburgh an experimental station devoted to finding the causes of explosions in coal mines. It is the purpose of the United States Government to tell the miner and the mine owner which explosives are safe to use and which are not and to furnish him such other information as will be of service to him and will lessen the danger of disaster.

Although this testing station has been in operation but a short time, this year will undoubtedly show a decrease in the number of deaths in the coal mines, estimated at 800 or possibly 1000 below last year.

These are only a few of the important things which have been accomplished directly improving the conditions of the laboring classes throughout the country.

Many laws have been enacted for the benefit of the farmer, among which is the

law laying a tax, which is practically prohibitive, upon oleomargarine, which may be sold in imitation of butter. This law after protracted litigation has been declared constitutional by the Supreme Court of the United States.

The general business interests of the country have been immeasurably benefited by a realization of the policy of this administration that the highways of commerce should be open to all upon equal terms without reference to the amount of transportation which one should have at his command. The nefarious practice of rebating has been stopped and this result has been accomplished through the wise laws which have been enacted and the vigorous manner in which they have been enforced.

These things I have mentioned, vitally affect the individual citizen, but there have

been other notable achievements affecting the country as a whole which might be mentioned, such as the acquisition of the property of the Panama Canal and the procurement of authority to construct the canal; the enactment of a law to bring to a speedy hearing cases of public importance respecting interstate commerce; the power of the Interstate Commerce Commission to investigate fully and fairly the conditions of interstate transportation and all matters connected therewith; the right of the immigration officers of the United States under the authority of Congress to detain and deport summarily alien anarchists seeking entrance into the United States; the efficiency of the postal system upholding the power of the Postmaster-General to exclude from the mail matters relating to fraudulent schemes and lotteries; the fraudulent acquisition of public lands and the

unlawful cutting of timber therefrom, have been investigated and prosecuted with marked success, and salutary laws, enacted to protect the public against the aggressions of organized wealth, have been enforced with unsparing effort and fearless vigilance.

The legislative will respecting these weighty matters has been made effective as never before, and the Government in Republican hands has shown itself the master of the most powerful combinations.

There has been carried to successful issue in the courts the most notable contests of modern times, and thereby there has been secured a vindication of popular rights which will prove of immense and permanent value to the people.

These achievements are unique in character and results, and may be recorded with pride and remembered with gratitude.

It is essential to the continued progress of the American people that the great economic policies of government should be stable.

The energy of the people when operating under settled conditions produces amazing results. Prosperity and progress can go hand in hand with rational, consistent, harmonious and cumulative evolution of governmental policies to meet new conditions and to elevate the ethical standards of the old ones.

Under stable conditions the highest degree of economic efficiency is attained, communities grow richer and stronger, individual effort is stimulated and industry and talent are suitably rewarded.

The people of the United States who are most interested in the stability of governmental policies and who are entitled to the greatest consideration in formulating



them—the people whose average intelligence, fairness, and patriotism create the national character—are the people who work. Upon them the ultimate burden rests of maintaining the State, and to them the ultimate appeal must be made in all matters of radical consequence affecting the State. To them I desire to speak to-night, and it is most gratifying to know that measures of national importance may be discussed frankly and openly before the people and that all sides are accorded fair and respectful hearing. The people who work constitute the very great majority of all the people, and this is especially true in this great hive of industry. They work upon the farm, in the factory, in the mines, in the offices, in the shops, in all the occupations of life. A very large number of them, owing to the conditions under which they are required to work, have

found it necessary for their protection and advancement to form organizations. In this they are cordially supported by those workers not under a similar necessity.

I do not know to what extent Mr. Gompers represents the organized labor of the United States or by what authority he pretends to deliver its votes to the Democratic Party, but we all know that he appeared at the National Conventions of both parties and formulated demands upon both in the name of organized labor, and as the result of his views of the action of the two parties he has called upon organized labor to repudiate Mr. Taft and vote for Mr. Bryan.

In the *American Federationist* for October, Mr. Gompers proclaims to the country that "in this campaign labor realizes that the Republican Party and its candidate stand committed against the relief

and the justice which it must have. The Democratic Party and its candidate, (he adds), have openly and courageously made labor's demands their own. Mr. Bryan, the candidate of the Democratic Party, (he says), has fully endorsed labor's demands."

This constitutes a challenge to every loyal Republican to investigate the grounds of these assertions and, as organized labor is not partisan, to see to it that no Republican workman is lost to the party if these claims are unfounded or based upon demands that are mistaken or untenable.

In this same issue of the *Federationist* Mr. Gompers concedes the "absolute right of every citizen to cast his vote for any candidate and with any party that he pleases" and invites a calm and dispassionate consideration of the justice of his position, and that is what I shall now undertake.

The just demands of labor to which Mr. Gompers refers and which he claims Mr. Bryan and the Democratic Party have fully endorsed are embodied in the Wilson Bill H.R. 20,584 and the Pearre Bill H.R. 94.

I cannot afford to be mistaken in my statement that Mr. Gompers refers to these specific bills as the measures which contain labor's demands for what I am about to say rests upon its accuracy. I therefore quote Mr. Gompers again.

Speaking of Mr. Taft, he says in the *Federationist* for October: "He has never in any public utterance intimated that he would favor the enactment of labor's measure, Pearre Bill H.R. No. 94 to limit and define the injunction power."

That the Wilson Bill was the other measure appears from quotations from Mr. Gompers later on.

If I can demonstrate to you that one of these demands is founded upon a mistake of Mr. Gompers' and that no such grievance as he imagines exists, and that the other demand is founded upon an impossible proposition antagonizing the principle for which labor has been contending for centuries, I will feel justified in asking union labor to form its own judgment as to its own duty in deciding between the two parties.

The Wilson Bill, the one which I say is founded upon a mistake provides for an amendment of the Sherman law exempting labor unions and agricultural associations from its operation.

The plank Mr. Gompers proposed to the Democratic Convention upon this subject and which it did not adopt is in these words :—

"We therefore pledge the Democratic Party to the enactment of a law by Con-

gress guaranteeing to the wage-earners, agriculturalists, and horticulturalists of our country, the right of organized effort to the end that such associations or their members shall not be regarded as illegal combinations in restraint of trade."

This demand upon the Democratic Party was made, because, as Mr. Gompers says in the *Federationist* for August, from which I have quoted it, that

"The decision of the Supreme Court in the Danbury Hatters' case declared the labor organizations trusts, when as a matter of fact labor organizations are voluntary in character and formed for the purpose of protecting and advancing personal rights."

Turning to the Democratic platform let us see if the Democratic Party made this demand its own and whether it

pledged itself to the enactment of any such guarantee.

I now quote the Democratic platform upon this subject and ask you to carefully note its terms. This is what it says and all that it says relative thereto:—

"The expanding organization of industry makes it essential that there should be no abridgement of the right of wage-earners and producers to organize for the protection of wages and the improvement of labor conditions to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade."

If there is a word in this plank guaranteeing the passage of a law to the effect that labor organizations shall not be regarded as illegal combinations in restraint of trade, I fail to find it but I do not fail to find

written in the plainest terms upon the forefront of this plank a purpose to mislead organized labor and by a protest against an abridgement of the right to organize to seemingly confirm the mistaken opinion of Mr. Gompers that such right has been abridged by the decision of the Supreme Court in the Danbury Hatters' case.

This leaves the two parties so far as their platforms are concerned in exactly the same position. Neither of them has guaranteed to pass the Wilson Bill or any bill of a similar character.

There was no necessity for such a guarantee in the Republican platform and no necessity for the subterfuge in the Democratic platform which Mr. Gompers incorrectly interprets as a guarantee, for I say to you, and I can demonstrate my statement, that the Court did not decide in the Danbury Hatters' case or in any



other case that labor unions were contrary to the Sherman or any other law, and unless the Court completely reverses the principles of law it has announced in a hundred cases, it never will make any such decision. Such a claim was not made in that case and it would have been ridiculed if it had been made. These facts were well known to the shrewd legal gentlemen who framed the plank in the Democratic platform I have read, protesting against what they knew had not happened and could not happen.

The Congress of the United States and the Supreme Court of the United States have nothing to do with labor unions. As Congress can neither declare them valid nor invalid their validity or invalidity are not subjects for the Supreme Court to pass upon. Labor organizations are the creatures of the several States.

They come into being by the will of the people of the States and exist for the purposes the people allow. They become distinct legal beings with all the responsibility to the laws of the nation that rests upon an individual. When Congress passed a law making it unlawful to restrain interstate trade that law is just as binding on a corporation as it is on a person and it makes no difference for what purpose that corporation was formed whether it be a church, a printing company, a factory, a railroad or a foundry it can not do the specific thing prohibited, and certainly a decision saying that it cannot do so can not be construed as invalidating the charter of the corporation or association for the purposes for which it was legally formed.

I have before me the Constitution of the American Federation of Labor of which Mr. Gompers is President. It was

organized for four specific purposes. I read them.

"Section 1. The object of this Federation shall be the encouragement and formation of local trade and labor unions, and the closer federation of such societies through the organization of central trade and labor unions in every city, and the further combination of such bodies into State, Territorial, or Provincial organizations to secure legislation in the interest of the working masses.

"Section 2. The establishment of national and international trade unions, based upon a strict recognition of the autonomy of each trade, and the promotion and advancement of such bodies.

"Section 3. An American federation of all national and international trade unions, to aid and assist each other; to

aid and encourage the sale of union-label goods, and to secure legislation in the interest of the working people, and influence public opinion, by peaceful and legal methods, in favor of organized labor.

"Section 4. To aid and encourage the labor press of America."

Is there any man so bold or so ignorant as to tell you that a decision to the effect that it is a violation of the Sherman law to conspire to break up a man's interstate business, outlaws the American Federation of Labor? Which one of its objects discloses a violation of that law? Not one of them. So you may go through the charters of all the labor organizations and fail to discover any purpose expressed to violate any law.

The labor organizations of this country are just exactly what Mr. Gompers says

they are, "voluntary in character and formed for the purpose of protecting and advancing personal rights," and I may add they are just as lawful so far as any Federal law or decision is concerned as the railroads, the factories or the churches of the land.

Mr. Gompers in speaking to workingmen in Philadelphia on October 10th spoke of "our enemies the capitalists."

It is very much to be regretted that a leader of labor should indulge in such language or teach such pernicious doctrine.

In a normal condition of society, capital and labor can no more be said to be enemies than the head that directs and the hand that performs can be said to sustain that relation.

It is such expressions as these that encourage the European press to predict class divisions and social revolution in America. I was amazed while in the

City of Manchester, England, recently to read in a daily paper these startling headlines: "Industrial War in America, labor's intense antagonism to capital and the coming revolution."

This article represented the attitude of American labor towards American capital as "furiously and bitterly hostile." It represented that the fundamental principle of labor politics in the United States was to "demand unceasingly but never concede" and that the hatred of labor for capital is stronger and deeper rooted in America than in any other part of the world. The article then concluded that "the spirit of contentment which characterises the British workingman who is earning good wages is not appreciated by his American contemporary." The American workman it said "is never really content, he is always wanting more."

This may be the English view and Mr. Gompers being an Englishman may have absorbed this notion before he came to this country and may sincerely believe it to be true.

For my part I think it is unjust and untrue. I have had frequent opportunity to observe and study not only the conditions of American and European labor but the effect of the superior American conditions upon the temper, attitude and disposition of American labor. As is natural and to be expected as conditions of labor improve in America the American workingman becomes broader, fairer, more willing to discuss and consider great questions temperately and with more tolerance for the other point of view, and, above all, he becomes more attached to the institutions of his country which he has done so much to establish and defend.

The right, duty and necessity of labor to organize is not and can not be challenged. From time immemorial the strong have successfully dealt with the weak in detail, but it is now perfectly certain that especially in America and within the period of Republican control of American policies, legislation has reflected a sound public sentiment that the weak shall deal and be dealt with *en masse*. What they are able to secure for themselves without violence to the rights of others or of the public peace, they are permitted to seek unmolested; and where the just demands of labor are beyond their own attainment and within the scope of legislative power, measures for their safety, comfort, moral and mental uplifting should be promptly enacted into law.

I think American labor recognizes and appreciates the tremendous advances it has



achieved during the past fifty years under Republican administration of the National and State governments.

The right of labor to organize is now fully recognized in the policy and law of the United States and in the policy and law of the several States.

A man may now work when he pleases, for whom he pleases, and for what he pleases. He may lawfully refuse for any reason to continue his labor, whether the reason be one based upon his own grievance or be predicated upon some rule of an association. He may do anything he chooses by himself or in conjunction with his associates to advance the price of labor, to restrict its hours, to prevent others from working for his employer or to prevent others from being employed; provided he does not use force, threat or menace of harm to persons or property,

without being subject to prosecution for conspiracy.

This is not a new thought with me evolved for the purposes of this campaign. It is one I have always entertained and acted upon. It is one that actuated me in my refusal as Attorney-General to prosecute the mine workers' unions as violators of the Sherman Act during the great anthracite coal strike in Pennsylvania in 1902.

The Republican administration of the Government accepted this view and has consistently adhered to it ever since. It is the view entertained by Mr. Taft, and his judicial and administrative acts fully disclose it.

Now, my friends, if the Sherman law does not declare labor organization unlawful and the court has not so decided, and if the Republican administration holds that they are not condemned by that

statute, am I not right in contending that Mr. Gompers' complaint to the contrary is a mistake, and does his mistake justify any Republican workman in deserting his party, or justify him in denouncing the Republican Party because it will not commit itself to an impossible suggestion?

I say to you there is no necessity to pass the Wilson Bill, it would be folly; and I say to you further, that the Democratic Party has not pledged itself to pass such a bill.

I do not believe any considerable number of American workingmen want the privilege to use force, threat or menace of harm to persons or property and it is not credible that there is any general sentiment among workmen demanding that all business and occupations within the length and breadth of this land shall be outlawed

and denied the protection of courts of equity—the only courts to grant adequate protection in cases where the right to carry on business is interfered with by force and violence.

This brings me to the second demand made in the name of organized labor by Mr. Gompers, it is embodied in the Pearre Bill, the one which he says Mr. Bryan has made his own and the one which I have said antagonizes labor's contention for centuries for equal rights of all before the law. This bill provides that in labor disputes no injunction shall issue except to protect property, but that the right to carry on business of any particular kind, or at any particular place, *or at all*, shall not be held to be a property right. It likewise legalizes the blacklist and secondary boycott.

It is easy to understand how one formulating such a demand would make an

appeal to labor upon the basis that capital is labor's enemy and, upon this false theory, how he would be willing, in order to close the courts of justice against every business man in America, to sacrifice labor by trading the benefits of the Republican Party's liberal policies towards labor for a law to distinguish between citizens in their rights to justice and the protection of the law.

I believe the effect of what Mr. Gompers proposes and the substance of what he asks American workmen to do is this: Vote for Bryan and he will destroy the protective tariff, which secures to American workmen the fair wages and fair conditions they need, and as a substitute for good wages and conditions Mr. Bryan will advocate the enactment of a measure outlawing American business, a thing no honest American workman wants. This

demand is one which Mr. Gompers says Mr. Bryan has made his own. Is this true, Mr. Bryan? The people are entitled to have yes or no.

In the particular matter of injunctions in labor cases I do not pretend to claim that unjust injunctions have never been issued; it is just as certain that there have been, as that unjust judgments have been rendered in every other class of cases.

I would be unmindful of my own relation to an effective appeal made to President Roosevelt to exercise the high prerogative of pardon to reverse the action of a Federal court in punishing some miners for the violation of an injunction of a court if I were to make such a claim for judicial infallibility; and here, before stating the particulars of that case, let me call your attention to the fact that if the grievance is that men are subjected to unusual

and excessive punishment for violating drastic injunctions there is always an appeal to the President of the United States, who has ample and complete power to instantly undo the wrong, if a wrong has been committed.

The case to which I refer is the one of Weber and Haddow, who were adjudged guilty of contempt of the United States Court for the Western District of Virginia and were sentenced to jail for six months and one month respectively. These men filed a petition for pardon, which was transmitted to me as Attorney-General for investigation and report.

In making my report to the President, recommending a pardon, I expressed an unwillingness to agree with the Court, that the ultimate purpose of the United Mine Workers' Union was not legal. I thought that the Court was mistaken in

that view and I felt that the difficulties at the mine were aggravated by the arbitrary discharge of union workmen. The pardon was granted.

It by no means follows that because the executive branch of the Government considered that the writ of injunction in that case had been unwisely issued and too severely enforced, that the courts all over this Union should be deprived of the power to prevent a restriction of wrongful acts and to preserve the status of persons and things pending litigation; or that the right of tens of thousands of people engaged in various occupations throughout this land to resort to the courts to prevent unlawful interference with their right to carry on their business should be taken away.

One would imagine from the hue and cry that has been raised in some quarters



against the writ of injunction that its principal office was to restrain workingmen from exercising their rights. This is wholly untrue. An examination of the cases will disclose that courts of equity have issued injunctions in aid of workingmen's rights more frequently than it has been invoked against them and such examination will also disclose that in a great majority of cases where it has been invoked against labor it has been refused. Besides, this writ is resorted to annually in hundreds of cases where labor is not involved to one where it is.

A distinguished lawyer in the city of New York informs me that during the past two years, he has appeared in forty or fifty injunction cases, in all of which except three cases, he has appeared for trades unions asking for injunctions to protect them in their rights.

He cites the cases of the Bakery and Confectioners Workman's International Union of America, who obtained injunctions to protect their union label, another one in which an employer was cited for contempt of court and only escaped a fine or imprisonment by making a satisfactory settlement with the union.

Another case in which he was successful was one in which he prevented an injunction at the instance of an employer to restrain a labor union from holding meetings and denouncing his methods of doing business and denouncing him as an employer of non-union labor. In this case the injunction was refused and the costs put upon the employer. He also cites cases in which attempts were made to punish employees for contempt and failed.

There are many other cases to which he might have referred, notably, the Arthur

case where the United States Court refused to enjoin employees from quitting work on the allegation that such secession of work would cripple the employer's business, and many others which time will not permit me to enumerate.

But Mr. Bryan contends that even where injunctions are properly granted, that persons disregarding them should not be punished for contempt of court without a trial by jury. It does not require either a lawyer or a philosopher to recognize the absurdity of this suggestion as it is proposed. It would absolutely substitute a jury of twelve men in place of the chancellor in every injunction case.

The writ of injunction would be waste paper if it could not be enforced by punishing those who disobey it. If they could not be punished without the sanction of a

jury, of course nothing but that sanction would give it vitality.

In 1902, as Attorney-General, I obtained an injunction against seven of the great railway systems in the Middle West, upon which every section of the country was dependent for the movement of bread stuffs and enjoined them from carrying out unlawful agreements to transport the shipments of a few favored grain buyers at rates less than were charged to smaller dealers and the general public; the effect of which agreements was to drive all others from the field of competition and to create a monopoly.

If Mr. Bryan's proposed method of dealing with contempts had then been a law, these monopolists could have continued their nefarious practices until a jury had passed upon the propriety of the injunction and determined whether or not,

in their judgment, punishment should follow its disobedience.

Delay would have been certain and the result problematical but as it was, the certainty of immediate and drastic punishment broke up this odious condition and the grain warehouses and storage elevators, which had been built at great expense throughout the Middle West to meet the demands of an important market and which had been deprived of their business by the methods I have mentioned, entailing loss of employment to thousands of laborers, immediately resumed operations and normal conditions of trade were restored.

I might also cite the injunctions against the beef trust, punishment for the violation of which was only prevented by the courts holding that immunity had been granted. Also the injunction against the Northern Securities Company, obedience to which

might with chances of safety have been postponed if the question of punishment for its violation had been referred to the tardiness and uncertainty of a jury trial.

And so you may run through the thousands of equity cases that are decided in this country every year. All these decisions must depend for their force and effect upon the right of the court to enforce its decrees and the proposition to make the decisions depend upon the verdict of a jury is the height of human folly.

The writ of injunction performs a somewhat similar office in respect to the protection of property as the great writ of *habeas corpus* performs in the protection of personal liberty.

If you are unjustly deprived of your liberty upon an inadequate charge, you do not have to wait for a remedy until your case is called for trial, after you have lan-

guished six months in jail or been six months under bail as a criminal; you can instantly apply to the nearest Judge in his home, on the street, in his chambers or upon the bench, for a writ of *habeas corpus*, which means an order that your jailer shall instantly produce you before the Judge in order that he may inquire into the legality of your commitment.

This great writ is the remedy which the law gives for the enforcement of the right of personal liberty. Of equal consequence and value to society is the writ of injunction, which is used to prevent threatened injury, to restore violated possessions and to secure the permanent enjoyment of the rights of property. Men will defend themselves against injury to their persons and their possessions. Civilization has substituted the arbitrament of the courts for the bludgeon of barbarism. To

close the courts for the protection of men's rights means to drive them back to the brutal methods of the past.

The Pearre Bill says the right to carry on business at any time, at any place, or at all, shall not be considered a right of property, although the fruits of business, meaning thereby physical wealth, should enjoy its full legal privileges. How unmindful this is of the true relations of labor and property to the welfare of the State. Conducting a business, which gives employment, where idleness with all its temptations would otherwise prevail, certainly is of more economic value to society than the mere products or results of business.

Mr. Gompers asks organized labor to reject Mr. Taft because "he has never in any public utterance intimated that he would favor the enactment of the Pearre Bill." Has Mr. Bryan given any such



public intimation? Mr. Gompers says Mr. Bryan and the Democratic Party have made this measure their own. The Democratic Party has not said so. Does Mr. Bryan say so? Why should not Mr. Gompers insist upon a public utterance from Mr. Bryan to that effect, seeing that he condemns Mr. Taft for failing to make one? Labor is entitled to know if Mr. Bryan has given Mr. Gompers any such assurance and, if he has, it is a thing the public are entitled to know. Mr. Bryan has or he has not done this thing. If he has not, labor is being deceived by Mr. Gompers' representations. If he has, every business and working man in America owes it to himself to consider what it means to advocate the exclusion of American industry from access to the courts of justice and to legalize the blacklist and secondary boycott.

Ten days ago in a public address in Philadelphia I called Mr. Bryan's attention to the fact that Mr. Gompers was representing to organized labor that he, Mr. Bryan, favored the Pearre Bill and that Mr. Gompers was asking labor to support Mr. Bryan on that account.

I respectfully asked Mr. Bryan to say whether this was true; to let the people know whether Mr. Gompers was deceiving labor and whether he, Mr. Bryan, was willing to remain silent and receive the benefit of such possible deception or would manfully acknowledge his allegiance to the doctrine that a business man should not be permitted to go into court to protect his business against violence, so that the people might vote with a full knowledge of his position. Mr. Bryan has not replied.

Two days later, the President in a letter to me which has been made public,

repeated this question in a manner so direct that a failure to say yes or no is bound to be accepted as indicating Mr. Bryan's intention to leave the matter where it is, so that he can get benefits both ways, namely, on the theory that he is and also that he is not committed to the Pearre Bill. Still Mr. Bryan makes no reply.

It is true that day by day Mr. Bryan and Mr. Gompers indulge in ill-natured and irrelevant attacks upon the President and me, but what have they said about Mr. Bryan advocating outlawing the right to do business and legalizing the blacklist and the secondary boycott? Nothing! The President and I are not asking for the votes of the people and therefore I refuse to follow Mr. Bryan and Mr. Gompers into the realm of untruthful and irrelevant assertion. As I was never

attorney for the steel trust or the Pennsylvania Railroad and never exchanged a syllable with Mr. Frick on the subject of the legislation to which Mr. Bryan has referred, I will simply revert to the question in which the people are now interested, and that is, did you, Mr. Bryan, promise Mr. Gompers to support the Pearre Bill?

The people are not now engaged in child's play. They are about to perform a solemn duty. They will insist upon being dealt with openly and fairly. They are entitled to know how the ship of state is to be steered and whether or not there are any secret or concealed purposes to deviate from the publicly announced course.

The most profound political maxim evolved by the most remarkable assemblage of men gathered together by the

decree of destiny for the betterment of humanity is, that "the liberty of each citizen ends where the liberty of another citizen begins." This is said to adequately express all human social law.

The Pearre Bill favors a return to class privilege before the law, the existence of which was the underlying cause of the revolution which bathed France in blood before the rule of equality I have just quoted was evolved and accepted by the privileged classes. The restoration of class privilege, in any form, in favor of any class would destroy the equilibrium of our institutions.

Does Mr. Bryan accept this bill, and has he so assured Mr. Gompers? Is not that a question you are entitled to have answered yes or no? Suppose I am mistaken as to the tremendous blow to human rights involved in this measure, are

you not still entitled to know where the candidate stands on it, in order that you may form your own conclusions?

Mr. Gompers is in such deadly earnest about it that he has denounced Mr. Taft to labor because he has not committed himself to it publicly. Then why should not Mr. Bryan make such commitment?

I leave this subject with the parting observation that Mr. Bryan owes it to the whole people, he owes it to labor, he owes it to Mr. Gompers, who says he knows, he owes it to himself to say: yes, I have, or, no, I have not, made the Pearre Bill my own.

I would hardly be justified in closing my remarks without adverting to the so-called paramount issue of this campaign.

Mr. Bryan says the paramount issue is this: "Shall the people rule." Let us see

if there is any place in this country where they do not rule. You do not need to make a deep investigation as it is a matter of common knowledge that in the States to which Mr. Bryan looks for his main support, a majority of the citizens are denied their constitutional right to vote. These people certainly do not rule.

If Mr. Bryan is sincere in his desire that the people shall rule or feel that they do not at the present time, why does he not strike at the most prominent and vicious violation of their right to rule?

It is not the fault of these people who are unlawfully disfranchised nor is it the fault of the Republican Party, which believes that every man is entitled to and should exercise rights given to him by the Constitution of the United States, but the fault lies with the Democratic Party of

which Mr. Bryan is now standing as the champion.

The only part of the country that I know of where the people do not rule is in that section which the Democratic Party loves to characterize as the solid South and where this supposed prominent issue is not a fanciful figure of speech but a disgrace to our country and to civilization.

Not only are the colored citizens of these Democratic States disfranchised, but the percentage of white voters who do not cast a ballot and take no part in ruling their country is astounding in this, the Twentieth Century.

The effect upon the whole country of this wholesale disfranchisement in these States is perfectly obvious. Their Representatives in Congress, who pass laws affecting the whole country, only represent a small portion of the citizens of their own



States, while a Representative from this State represents ten times the number of people.

This is one of the evils of the people not ruling to which Mr. Bryan gives no attention at all.

Only a very small percentage of the Democratic Senators and Representatives represent a constituency where national policies have been considered. In many districts the Republicans have no candidate. Mr. Tremain called attention to this in 1904. He said:—

"In the States called surely Democratic, elections only register somebody's selection as to what persons shall have the offices. Never before in the history of the country has individual choice exclusively governed, as it does in those States, the selection of platforms and of candidates,

regardless of public measures and of party tendencies.

"In nine out of those surely Democratic States so complete is the repression of any consideration by the electorate of the political questions that agitate the country that there is not a single Representative chosen upon any such issue; while in the remaining four of those thirteen States, in only limited localities is there a constituency that dares to express itself at the polls."

We would have a little more confidence in the sincerity of the anguish of Mr. Bryan about the people's right to rule if he would turn his attention to the only States whose electoral votes he received in his previous campaigns or which he is likely to receive in this one. He need not bother about the States whose votes swell the great Republican majority. The

people rule here and their free access to the polls is not interfered with but encouraged.

It has been said of us that "it is curious that in a country which boasts of its intelligence that the theory should be so generally held that government, the most complicated of human contrivances, and one which every day becomes more complicated, can be worked at sight by any man able to talk for an hour or two without stopping to think." This, I think is a superficial view. I believe the American people fully appreciate the increasing complexities of their government and keenly discriminate between men who understand and do things and those who merely talk about them.

Mr. Taft entertains no impossible theories of government, as Mr. Bryan does, to which the people's interests must

be bent and fitted, else shattered and destroyed. He will be better satisfied to achieve his policies than to vociferously proclaim them. His policies are not like those of Mr. Bryan, a matter of geography. He is not endeavoring to conceal in one section of the country what he is proclaiming in another. He does not try to be all things to all men. He is just a straightforward, capable, stable and experienced statesman, the type that we love to point to as America's best product and the man the people will choose next Tuesday for President of the United States.







